

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re
City of Detroit, Michigan

Chapter 9
Case No. 13-53846
Hon.: Thomas J. Tucker

Debtor
_____ /

**JOINT RESPONSE OF CREDITORS DENNIS TAUBITZ AND IRMA INDUSTRIOUS
TO DEBTOR CITY OF DETROIT OBJECTION TO CLAIM**

NOW COMES Creditors Dennis Taubitz and Irma Industrious for their Response to the Debtor City of Detroit's Objection to Proof of Claim state as follows:

FACTS

Debtor seeks to eliminate Creditor Dennis Taubitz's claim for unpaid wages and Creditor Irma Industrious' claim for a bonus due to her employment with the Debtor. Debtor wrongfully claims that Creditor Dennis Taubitz's unpaid wages and Irma Industrious' bonus are not administrative priority claims. This assertion is false.

Creditor Dennis Taubitz, from January 2013 to December 2013, worked as an employee of the Debtor. Creditor Dennis Taubitz performed duties that allowed the Debtor to operate and continue to operate after the Debtor's filing of its Bankruptcy action in July 2013. Creditor Dennis Taubitz was never paid for these essential services that he performed for the Debtor. Debtor acknowledges the fact of this non-payment as the Debtor never provided Creditor Dennis Taubitz or the Internal Revenue Service with a W2 Form or 1099 Form for the time in question.

On information and belief, Creditor Irma Industrious was entitled to a 5% bonus due to her work for the debtor.

ARGUMENT

Administrative priority claims are monies that the Debtor must expend in order to continue to operate while in Bankruptcy. For example, the Debtor continued to pay the wages of its employees, because the services of the employees were necessary for the Debtor to continue to operate.

Creditor Dennis Taubitz became an employee with the Debtor in January of 2013. Creditor Dennis Taubitz worked through December of 2013. Creditor Dennis Taubitz's efforts allowed the Debtor to continue to function and perform its constitutional mandated duties. The Debtor's alleged justification for treating Creditor Dennis Taubitz's claim as different from the approximately 10,000.00 other employees that were utilized to allow the Debtor to continue to function is clearly erroneous.

Creditor Dennis Taubitz is being treated differently than the approximately 10,000.00 other employees of the Debtor without any lawful basis. Even the Debtor has acknowledged that Creditor Dennis Taubitz was not paid for the time that he worked from January 2013 to December of 2013, as the Debtor never provided Creditor Dennis Taubitz or the Internal Revenue Service with a W2 Statement or a 1099 Form for the wages the Debtor should have paid, but failed to do so. If Debtor claims that payment has been made in this matter, then an accounting is necessary as the Debtor has certainly failed to present any documentation to the Creditor or to the Internal Revenue Service. Similarly, Creditor Irma Industrious was owed a bonus for her work for the Debtor.

CONCLUSION

Creditors Irma Industrious and Dennis Taubitz therefore submit that the Debtor is incorrect and that Creditor Dennis Taubitz is entitled to receive compensation for the wages that he earned from July 2013 to December 2013, and Creditor Irma Industrious is entitled to receive her bonus for her work for the Debtor; and both claims should therefore be treated as an administrative priority.

WHEREFORE, based on the foregoing, these Creditors respectfully pray that this Honorable Court deny Debtor City of Detroit's Objections to Creditors Dennis Taubitz and Irma Industrious' claims for administrative priority for the reasons previously stated.

Respectfully submitted,

/s/ Dennis Taubitz

/s/ Irma Industrious

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Dated: May 20, 2015

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IN RE:

City of Detroit Debtor.
Michigan

CASE NO: 13-53846
CHAPTER: 9
JUDGE: Thomas J. Tucker

PROOF OF SERVICE

I hereby certify that on MAY 20, 2015 (date of mailing), I served

copies as follows:

1. Document(s) served: Joint Response of creditors Dennis Taubitz and Irma Industries to Debtor City of Detroit's Objection to claim

2. Served upon [name and address of each person served]:
John A Simon
Heather Lennox
Broce Bennett
Jones DAY
555 S Flower St
Fifteenth Floor
Los Angeles, CA
90071
Foley and Lardner
500 Woodward Ave
Ste 2700
Detroit, MI 48226

3. By First Class Mail.

Dated: MAY 20, 2015

Dennis Taubitz
(Signature of Debtor) creditor

Print Name: Dennis Taubitz

Irma Industries
(Signature of Co-Debtor) creditor

Print Name: Irma Industries